IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1909 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

USHABEN P PATEL

Versus

SURAT ELECTRICITY CO.LTD.

Appearance:

MR NM KAPADIA for Petitioner

MR MD PANDYA for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 2

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 29/03/2001

ORAL JUDGEMENT

1. Heard Learned counsel for the parties. Mr. M.D.Pandya, Learned Sr. Counsel waives service of rule on behalf of respondents.

2. At the request of the parties, this petition is taken up for hearing today.

3. The present petition is filed mainly challenging the Electricity Bill for Rs.2,57,204-00 at Annexure-K to the petition issued to the petitioner by the respondent No.1 Surat Electricity Company Ltd. Keeping in view the alternative remedy available as per Conditions of Supply and upon consensus having been arrived at between the parties, this petition is finally disposed off on the following directions:

1. The petitioner may file appeal against the bill at Annexure-K before the Appellate Authority of the respondent No.1 by April 15, 2001, as per the Conditions of Supply governing the relations between the parties.

2. The petitioner shall pay 60 % of the total amount of the disputed bill by following installments. The first installment shall be of Rs.54,320/- and shall be paid within fifteen days from the date of this order, and on payment of such amount, and amount of reconnection charges if any, the respondent No.1 shall subject to these terms temporarily reconnect the power supply of the petitioner forthwith, preferably within two days of compliance as above. The remaining amount of Rs.1,00,000/- (Rs. one lac) shall be paid in the following manner:

Amount	To be paid on/or before following dates.
Rs.25,000/-	15-5-2001
Rs.25,000/-	15-6-2001
Rs.25,000/-	15-7-2001
Rs.25,000/-	15-8-2001

The delayed payment charges on installment amount if prescribed by Conditions of Supply Rules, same shall be paid with the last installment.

3. The appeal which may be filed by the petitioner, shall be disposed of expeditiously, preferably within two months from the date of the payment of last instalment by the petitioner.

4. The remaining amount of 40 % or any other amount as determined by Appellate Authority shall be paid by the petitioner as per the ultimate decision of the Appellate Authority within such time as may be directed. If the decision of the Appellate Authority is favourable to the petitioner to any extent, such amount as may be directed by the Authority be refunded to the petitioner by the respondent No.1 as early as possible.

5. The petitioner shall file an undertaking to the effect that the petitioner will not transfer or alienate or part with possession of properties of the petitioner till the full electricity dues are paid, except the goods in ordinary course of normal business.

6. The petitioner shall pay the dues as and when it falls during the interregnum period, and continue to comply with the Conditions of Supply. In case of failure on the part of the petitioner to abide by the aforesaid directions and the Conditions of Supply, petitioner's power supply shall be liable to be disconnected without further notice.

7. In view of the aforesaid observations and directions, learned counsel for the petitioner seeks the permission to withdraw the petition, enabling the petitioner to avail alternative remedy of filing appeal before the Appellate Committee. Accordingly the permission is granted. Petition stands disposed of. Rule made absolute to the aforesaid extent. I make no order as to costs. D.S. permitted.

Dt: 29-3-2001 (P.K. Sarkar, J)

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